Civil Misc. App. No.1443/2005
Shankarlal ***Versus*** ***Ramnath*** & Ors.

Date of Order ::: 18/08/06

Hon'ble Mr. Justice Ajay Rastogi

Mr. Vinay Mathur for appellant (Claimant)

Instant appeal has been filed for enhancement of compensation of Rs.12,000/- awarded by Motor Accident Claims Tribunal (ADJ Fast Track No.2), Tonk vide Award dt.10/02/05 in MAC No.524/04 (1031/01=335/99).

Appellant (claimant) aged 23 years met with an accident on 26/04/99 and sustained injuries on head and ear. In certificate (Ex.48) prepared after four years of accident, the Medical Board after examining injuries opined merely 2% permanent disability. Taking note of over all material on record, learned Tribunal awarded compensation of Rs.12,000/- along with 6% per annum from the date of claim petition vide impugned Award. Hence this appeal.

Counsel for appellant submits that looking to injuries sustained by claimant on his head and ear, which resulted in disfigurement, as has been opined by medical board in its report and so also ten days period of his hospitalisation for medical treatment of injuries sustained in the accident, for which he incurred huge amount; as such compensation impugned being much on lower side requires interference.

I have considered contentions of Counsel for appellant and with his assistance, examined material on record. Medical Board has opined merely 2%

permanent disability and as per MLR (Ex.24) he sustained simple injuries. After taking note of nature of injuries and 2% permanent disability, for which the Tribunal considered to award compensation of Rs.12,000/-, which also carries interest @ 6% per annum from date of claim petition. In the absence of sufficient evidence with regard to permanent disability or disfigurement and so also keeping in view nature of simple injuries sustained by claimant, in my opinion, what has been awarded on an overall conspectus of material on record, being just does not require interference. Consequently, this appeal fails and is hereby dismissed in limine.

(Ajay Rastogi), J.

K.Khatri/1443CMA2005.